

**ENTERED**

March 20, 2017

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA	§	
	§	
VS.	§	CRIMINAL NO. 2:17-CR-00142-3
	§	
OSCAR PENA	§	

**MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL**

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the Defendant pending trial in this case:

(1) There is probable cause to believe the Defendant committed an offense for which a maximum term of imprisonment of ten years or more is prescribed in 21 U.S.C. § 841(b)(1)(O); and

(2) The Defendant has not rebutted the presumption that no condition or combination of conditions will reasonably assure the appearance of the Defendant as required and the safety of the community.

The evidence against the Defendant meets the probable cause standard. The findings and conclusions contained in paragraphs one to six of the Pretrial Services Report are adopted. Even though the Probation Department has determined that this new offense is not to be subject of a revocation, it is undisputed that the Defendant was on supervised release when he committed the instant offense, reflecting that he is either unwilling or unable to comply with court-ordered conditions of release. The Defendant also has a prior parole revocation. He is a poor bond risk.

The Defendant is committed to the custody of the United States Marshal or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 20th day of March, 2017.

  
B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE